



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

JDB:TM
F#.2005R00060

271 Cadman Plaza East
Brooklyn, New York 11201

September 13, 2010

By ECF & Hand Delivery

The Honorable Nicholas G. Garaufis
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Vincent Basciano
Criminal Docket Nos. 05-060 (NGG)

Dear Judge Garaufis:

The government respectfully submits this letter in response to the defendant's letter dated August 10, 2010, in which he requests certain materials. The materials Basicano requests to which he is entitled have either already been produced, or will be provided, as follows:¹

1. The January 31, 2010 letter from Joseph Barone to the Court was provided by the Court on August 13, 2010. (Docket Entry No. 925).
2. The government has already provided the defense with the government's sealed letter regarding the "hit list." The government is not aware of, and has not located, any additional responsive information.
3. The government is not aware of, and has not located, any information provided by Joseph Barone about a plot to kill Your Honor. To the extent the reports of Barone provide any Giqllo material as to a government witness or other exculpatory information, those reports will be provided to the defendant under separate cover.

¹ In providing this response, the government does not concede that the defense is entitled to each of the requested items.

4. The government is not aware of, and has not located, any information "provided by Cicale about a meeting with Barone as well as any further information regarding Barone, including but not limited to, a plot to kill Your Honor, a plot to kill AUSA Andres and or any other lay witness."
5. As set forth above, to the extent the reports of Barone provide any Giglio material as to a government witness or other exculpatory information, those reports will be provided to the defendant under separate cover.
6. The defendant offers no new facts in support of his request for the disclosure of the ex parte minutes of the proffer to Magistrate Judge Levy regarding the "hit list." Moreover, Joseph Barone has no relevance to these minutes. The defendant's request for disclosure of the minutes should thus be denied.
7. The defendant is not entitled to the Joseph Barone file produced to Judge Buchwald. As set forth above, the government has reviewed the file and will provide the defendant with all information to which he is entitled pursuant to Rule 16, Brady, Giglio, and 18 U.S.C. § 3500.
8. The defendant's renewed request for a bill of particulars concerning the "hit list" should be denied. On December 31, 2008, the Court issued a Memorandum and Order in the 05-CR-060 case, ruling the government had provided Basciano with ample information regarding the "hit list" to prepare a defense. Memorandum & Order at 21-22, 05-CR-060 (NGG) (filed Dec. 31, 2008) (Docket Entry No. 593). The defendant has not offered any new evidence or changed circumstances to warrant reconsideration of this prior ruling. Moreover, as the government has previously verbally advised the defense, Joseph Barone has no relevance to the "hit list." Accordingly, Basciano's renewed request for a bill

of particulars as to the "hit list" should be denied.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

By: _____

John D. Buretta
Taryn A. Merkl
Nicole A. Argentieri
Assistant U.S. Attorneys
(718) 254-6314/6064/6232

cc: Clerk of the Court (NGG) (by ECF)
All counsel (by ECF)